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SUBJECT: DENMARK: TIP ACTION GUIDE TO COMBAT TIP
(2008-2009)

REF: 12-16-2008 WHEELER-MOZDZIERZ EMAIL OF FINAL
ELECTRONIC VERSION

1. This is an action request (see para 5).
2. The 2008 Trafficking in Persons Report rates countries as Tier 1 when host governments are fully meeting the minimum standards to combat trafficking in persons (TIP) as defined by the Trafficking Victims Protection Act (TVPA). Remaining on Tier 1, however, is not guaranteed; governments must continue to demonstrate appreciable progress and continued full compliance with the minimum standards. All countries will be reassessed annually to determine whether they evidence satisfaction of all of the minimum standards. Tier 1 countries are subject to slipping to Tier 2 if they do not fully comply with the minimum standards, but do continue to show significant efforts.
3. Please keep in mind the TIP Report measures host government efforts. To be useful for tier placement purposes, there should be a concrete role or tangible value-added by a host government in activities by NGOs, international organizations, or posts.
4. The following explains steps the government needs to take in order to continue to fully comply with the Minimum Standards for the elimination of trafficking, and therefore qualify for a continued Tier 1 ranking, and offers suggestions to address specific areas of concern highlighted in the 2008 TIP Report. Legal standards are excerpted from the Trafficking Victims Protection Act, as amended. Implementation Principles are excerpted from guidance issued in 07 State 150188 (October 29, 2007) and are not specific to any country or region. Country specific points are not exhaustive, but offer steps and possible ways to address specific areas of concern. The Department assesses government efforts each year. All governments must show concrete evidence of serious and sustained efforts in eliminating severe forms of trafficking from the previous year. Tier ranking determinations will be based on the government's efforts to comply with the Minimum Standards to Combat TIP during the April 2008 - March 2009 reporting period.
5. Begin action request: At post's discretion, post may draw upon the below to explain the areas of specific concern noted in the TIP Report and suggested areas to continue to fully comply with the minimum standards (and thus continued Tier 1 placement). Post may offer and/or follow up on the steps below as possible ways to address specific areas of concern highlighted in the 2008 TIP Report. While the list is not exhaustive, it should focus the host government on potential deficiencies in meeting the minimum standards and examples of ways to overcome them. As every year, the Department will weigh the government's level of support and participation in reported activities, as well as the efficacy and sustainability of government actions, in light of its resources and capabilities.

Begin Action Guide and internal numbering.

11. Legal Framework: The government should criminally prohibit TIP and punish such acts.

(A) For TIP crimes, punishment should be prescribed that is commensurate with that for grave crimes, such as forcible sexual assault.

(B) For TIP crimes, punishment should be prescribed that is sufficiently stringent to deter and that adequately reflects the heinous nature of the offense.

Implementation Guideline: At minimum, governments must criminalize and prescribe penalties for all forms of trafficking relevant in the country, including forced labor. This must include the elements of "severe forms of trafficking in persons" -- force, fraud, and coercion. Although desirable, this need not be accomplished through a comprehensive law, so long as relevant elements of trafficking, specifically including fraud/deception and coercion along with force, are covered by the country's laws.

Sanctions for sex trafficking should be on par with rape. The prescribed penalties for sex trafficking crimes or trafficking involving rape, kidnapping or death should be substantially similar to those for rape, taking into account the full range of sentences available. Consistent with the UN Convention Against Transnational Organized Crime, criminal penalties to meet this standard should include a maximum of at least four years deprivation of liberty, or a more severe penalty.

Progress: As reported in 2008, the government's efforts were consistent with this criterion.

Positive results that should be maintained during the 2008-2009 reporting period:

-- Denmark prohibits trafficking for both sexual exploitation and forced labor through Section 262 of its criminal code, although prosecutors often use a procurement law to prosecute traffickers. Punishments prescribed for trafficking under Section 262 extend up to eight years, imprisonment, which are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape.

12. Prosecution and other Law Enforcement Efforts: The government should show serious and sustained efforts to combat TIP by vigorously investigating and prosecuting TIP acts, and convicting and sentencing persons responsible for such acts.

(A) The government must provide data regarding investigations, prosecutions, convictions, and sentences, consistent with its capacity to do so, or it shall be presumed not to have vigorously investigated, prosecuted, convicted or sentenced such acts.

Implementation Guideline: All governments, consistent with their capacity to do so, are required to submit full comprehensive data on trafficking enforcement actions, including length of sentences actually imposed on convicted traffickers, as evidence of their vigorous law enforcement efforts. Imposed sentences should involve significant jail time, with a majority of cases resulting in sentences on the order of one year imprisonment or more, but taking into account the severity of an individual's involvement in trafficking, imposed sentences for other grave crimes, and the judiciary's right to hand down punishments consistent with that country's laws. Convictions obtained under other criminal laws and statutes can be counted as trafficking if the government verifies that they involve trafficking offenses.

Progress: As reported in 2008, the government's efforts were consistent with this criterion.

Positive results that should be maintained during the 2008-2009 reporting period:

-- The Government of Denmark demonstrated increased law enforcement efforts over the reporting period. Police conducted a total of 34 trafficking investigations during the reporting period. Authorities prosecuted 52 trafficking cases. Courts convicted 31 trafficking offenders in 2007, including 10 under the anti-trafficking statute and 21 under the procurement law. All 33 convicted traffickers served some time in prison; no convicted traffickers received suspended sentences in 2007. Sentences for trafficking convictions ranged from two to six years, imprisonment; sentences for traffickers convicted under the procurement law ranged from six months, to three years, imprisonment. The National Police have a trafficking coordinator stationed in each police district to improve the trafficking knowledge of local police districts. In September 2007, the National Police provided a trafficking reference manual to local districts.

¶3. Victim Protection and Assistance: The government should demonstrate serious and sustained efforts to combat TIP by protecting TIP victims and encouraging their assistance in the investigation and prosecution of their traffickers. Protection should include:

(A) provisions for legal alternatives to victims, removal to countries in which they would face retribution or hardship.

(B) ensuring that victims are not inappropriately incarcerated, fined, or otherwise penalized solely for unlawful acts that were committed as a direct result of being trafficked.

Implementation Guideline: Critical factors considered in whether a country fully satisfies this part of the minimum standards are: (1) Formal, systematic screening procedures that proactively identify victims and guide law enforcement and other front line responders in the process of victim identification. (2) Shelter, health care, and counseling should be available to victims, allowing them to recount their trafficking experience to trained social counselors and law enforcement at a pace with minimal pressure. Shelter and care may be provided in cooperation with NGOs, but part of the government's responsibility includes funding and referral to NGOs providing services; to the best extent possible, trafficking victims should not be held in immigration detention centers, or other detention facilities.

Factors also considered and strongly recommended for favorable placement are: (1) Victim/witness protection, rights and confidentiality; i.e., governments should ensure that victims are provided with legal and other assistance and that, consistent with its domestic law, proceedings are not prejudicial to victims' rights, dignity or psychological well-being; and that victims are provided information in a language they understand. (2) Source and destination countries share responsibility in ensuring the safe, humane and, to the extent possible, voluntary repatriation/reintegration for victims. At a minimum, destination countries should contact a competent governmental body, NGO or IO in relevant source country to ensure that trafficked persons who return to their country of origin are provided with assistance and support necessary to their well-being. Trafficking victims should not be subjected to deportations or forced returns without safeguards or other measures to reduce the risk of hardship, retribution, or re-trafficking.

Progress: As reported in 2008, the government's efforts were consistent with this criterion.

Positive results that should be maintained during the 2008-2009 reporting period:

-- Denmark took further steps to improve its assistance and protection for victims of trafficking. In 2007, the government opened the National Anti-Trafficking Center to monitor and coordinate victim assistance nationwide. During the reporting period, 148 victims received social, medical, and rehabilitative assistance from the government, including 40 victims who were sheltered at the Center. In addition, the government continued to fund regional NGOs in Denmark that

provide victim outreach and identification, rehabilitative counseling, shelter, and public awareness. Denmark also provided approximately \$2 million for various victim assistance, prevention, and law enforcement anti-trafficking projects in Belarus, Moldova, Ukraine, Bulgaria, and Romania in 2007. Danish police employ formal procedures for victim identification among vulnerable populations, such as women in prostitution; during brothel inspections, Danish social workers and the police anthropologist interview women to help police identify potential victims of trafficking. Police encouraged victims to participate in trafficking investigations; three foreign victims assisted authorities in a trafficking investigation in 2007. Two trafficking victims obtained refugee status to remain in Denmark and serve as witnesses in their trafficking cases. In source countries with limited social services, such as Nigeria, Denmark sent government officials to improve cooperation with NGOs and government agencies as well as check the quality of follow-up services for victims repatriated from Denmark.

Recommended measures to demonstrate continued progress and strengthen the government's efforts:

-- Some victims faced detention and deportation for immigration violations. The government should consider whether additional measures are necessary to ensure that foreign victims of trafficking are provided with legal alternatives to deportation to countries where they may face retribution or hardship upon return to their countries of origin.

-- Consider granting temporary residency and work permits to identified trafficking victims for humanitarian reasons and in order to increase their participation in trafficking investigations.

-- Continue to work closely with source countries to ensure safe victim repatriation and access to adequate care after repatriation.

14. Prevention: The government should demonstrate serious and sustained efforts to combat TIP by adopting measures to prevent TIP. Measures such as:

(A) steps to inform and educate the public, including potential victims, about the causes and consequences of TIP,

(B) measures to reduce the demand for commercial sex acts and for participation in international sex tourism by nationals of the country,

(C) measures to ensure that its nationals who are deployed abroad as part of a peacekeeping or other similar mission do not engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking,

(D) measures to prevent the use of forced labor or child labor in violation of international standards.

Implementation Guideline: The government should provide/fund a hotline or similar mechanism that offers victims and potential victims assistance/information about TIP. Per the new amendments to the Minimum Standards, starting with the April 2007- March 2008 reporting period to be covered in the 2008 TIP Report, countries should, for example where applicable: (1) Reduce demand for commercial sex acts: Implement or support some form of visible awareness campaign that educates the clients of the sex trade (and potential sex trafficking victims) if the country has a significant sex trafficking problem, or a campaign that targets those who form the demand for victims of forced labor about the nature of the relevant form of TIP. Nations with legalized prostitution should make additional efforts to proactively identify TIP victims among those in prostitution in the legalized sex trade. This includes the systematic and sensitive screening of persons in the legalized sex trade. (2) Address child sex tourism: Countries that have a significant number of nationals traveling abroad as child sex

tourists should undertake an awareness campaign that targets tourists traveling to known child sex tourism destinations.

(3) Address trafficking and exploitation committed by multinational peacekeepers: Governments with more than 100 troops on peacekeeping or other similar missions abroad should provide anti-TIP training for these troops (directly or through multilateral efforts), and should investigate and, if appropriate, prosecute any allegations of trafficking crimes or crimes of facilitating trafficking or exploiting trafficking victims committed by these troops abroad and referred to it by the UN or another competent organization.

Progress: As reported in 2008, the government,s efforts were consistent with this criterion.

Positive results that should be maintained and/or exceeded during the 2008-2009 reporting period:

-- Denmark demonstrated progress in its trafficking prevention efforts. In 2007, the government increased the annual budget for its national anti-trafficking action plan to \$16 million. The Danish government continued a nationwide information campaign that focused on domestic demand reduction for commercial sex acts. The campaign received a budget increase to approximately \$300,000 in 2007; outreach included television and film public service advertisements, billboards, fliers, and leaflets. The government continued to adequately monitor its borders.

-- During the reporting period, Denmark amended its child sexual abuse laws to allow for the extraterritorial prosecution of Danish nationals who commit acts of child sex tourism abroad; in January 2008, the government funded a public service campaign alerting Danish nationals about the new law prohibiting sexual abuse of children overseas.

15. Corruption and Official Complicity: The government should vigorously investigate, prosecute, convict, and sentence public officials who participate in or facilitate TIP, and take all appropriate measures against officials who condone such trafficking.

(A) This should include nationals of the country who are deployed abroad as part of a peacekeeping or other similar mission who engage in or facilitate severe forms of trafficking in persons or exploit victims of such trafficking.

(B) The government must provide data regarding such investigations, prosecutions, convictions, and sentences, or it shall be presumed not to have vigorously investigated, prosecuted, convicted, or sentenced such acts.

Implementation Principle: Governments, consistent with their capacity to do so, must provide full comprehensive data on actions taken against TIP related complicity. Information on general government corruption does not satisfy this minimum standard, except in cases in which specific cases of complicity are not reported by the government or known to the USG, but where there is a reasonable probability of such complicity within the wider context of generalized corruption in that country.

Progress: There were no specific cases of complicity reported by the government in the 2008 TIP Report.

Recommended measures to demonstrate progress and strengthen the government,s efforts:

-- Continue to vigorously investigate and prosecute trafficking-related corruption at all levels of law enforcement. Share comprehensive data on investigations, prosecutions, and convictions of complicit officials, and the lengths of sentences imposed on those convicted, if specific cases of complicity have occurred.

End Action Guide and internal numbering.

16. The Department appreciates Post,s continued efforts to

address trafficking in persons issues.
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